

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re Application of

NOBU SU,

For an Order Pursuant to 28 U.S.C. § 1782 to Conduct
Discovery for Use in a Foreign Proceeding

24 Misc. 275

Misc. Case No. M-

~~PROPOSED~~ ORDER GRANTING THE APPLICATION OF
NOBU SU FOR AN ORDER PURSUANT TO 28 U.S.C. § 1782
TO CONDUCT DISCOVERY FOR USE IN A FOREIGN PROCEEDING

This case comes before the Court on the Application for an Order Pursuant to 28 U.S.C. § 1782 to conduct discovery for use in a foreign proceeding (and/or a reasonably contemplated foreign proceeding), along with contemporaneously-filed Memorandum of Law, the Declaration of Hermonie Rose Williams executed on June 14, 2024, the Declaration of Nobu Su executed on June 17, 2024, and Proposed Order (collectively, “Application”), filed by the Applicant Nobu Su (“Applicant”). This Court, having reviewed the Application, finds that (1) the statutory requirements of 28 U.S.C. § 1782 are satisfied; and (2) the factors identified by the Supreme Court of the United States in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004) weigh in Applicant’s favor, warranting the granting of the Application.

It is therefore ORDERED that Applicant is granted leave to respectively serve subpoenas on Royal Bank of Scotland (“RBS”), RBS-Sempra Energy Trading, LLC (“RBS-Sempra”), and JP Morgan Chase Bank, N.A. (“JPMC”) to obtain the following information and documentation:

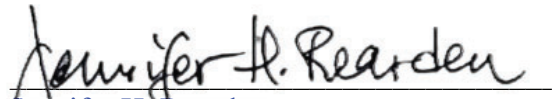
- i. All documents and communications between any of the following Lakatamia Shipping Company Limited (“Lakatamia”), TMT (as defined in the Declaration of Nobu Su executed on June 17, 2024), Slagen Shipping Co. Ltd (“Slagen”) and Kition Shipping

Co. Ltd. (“Kition”), RBS, RBS-Semptra, and JPMC between January 1, 2008 and December 31, 2015, including but not limited to:

- a. Bank account documents, including relevant bank account statements, transfer records, all incoming and outgoing wire transfers, signatory records, and account opening records.
 - b. Contracts, agreements, positions, Forward Freight Agreements, ISDA Master Agreements, ISDA Novations, meeting notes or minutes, and financial statements.
- ii. Communications by Lakatamia, Slagen, Kition, RBS, RBS-Semptra, or JPMC regarding TMT and/or Nobu Su related to the FFAs (as defined in the Declaration of Nobu Su executed on June 17, 2024).

IT IS SO ORDERED,

Dated: August 8, 2024


Jennifer H. Rearden
United States District Judge